

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**JESSIE MAE DAVIS,**

**Plaintiff,**

**V.**

**AMERICAN INTERNATIONAL GROUP, INC.;**  
**et al.,**

**Defendants.**

**CIVIL ACTION NO.  
3:05-cv-00995-MHT-CSC**

**SUPPLEMENT TO DEFENDANTS' MOTION TO CONDUCT REMAND-RELATED  
DISCOVERY**

COME NOW Defendants American General Financial Services of Alabama, Inc. ("American General"), Merit Life Insurance Company, and Yosemite Insurance Company (hereinafter collectively referred to as "Defendants"), by and through their undersigned counsel, appearing specially so as to preserve any and all defenses available under Rule 12 of the Federal Rules of Civil procedure, and specifically preserving the right to seek arbitration pursuant to 9 U.S.C. § 1, *et seq.*, and hereby provide the following supplement to Defendants' motion to conduct remand-related discovery.

Plaintiff commenced the present action on September 8, 2005 by filing a complaint in the Circuit Court of Macon County, Alabama. On or about October 17, 2005, Defendants removed the present action to this Court on diversity and federal question jurisdiction grounds under 28 U.S.C. § 1331, 1332, and 1441. On or about November 16, 2005, Plaintiff filed a Motion to Remand, arguing against the existence of diversity and federal question jurisdiction. On or about November 21, 2005, Defendants filed a Motion for an Extension of Time to Respond to Plaintiffs' Motion to Remand for the Purpose of Conducting Remand-Related Discovery

(“Motion to Conduct Remand-Related Discovery”). On or about November 22, 2005, Plaintiff filed an Opposition to this Motion to Conduct Remand-Related Discovery. Defendant’s Motion to Conduct Remand-Related Discovery remain pending before this Court.

Significantly, on January 25, 2006, in other matters brought by Plaintiff’s counsel against these Defendants, Gloria Garret v. American International Group, Inc., et al., Civil Action No. 05-2639-Ma/P; Elmo Thomas v. American International Group, Inc., et al., Civil Action No. 05-2651-Ma/P; and Roosevelt Walton v. American International Group, Inc., et al., Civil Action No. 05-2652-D/P, the Honorable Magistrate Judge Tu M. Pham of the United States District Court for the Western District of Tennessee granted Defendants’ motion to compel responses to remand-related discovery. (A copy of Magistrate Judge Pham’s order is attached hereto as Exhibit “A”).

Similarly, on January 13, 2006, in other matters brought by Plaintiff’s counsel against these Defendants, Irby v. American International Group, Inc., et al., Civil Action No. 05-2634; Robertson v. American International Group, Inc., et al., Civil Action No. 05-2635; Mason v. American International Group, Inc., et al., Civil Action No. 05-2636; Sims v. American International Group, Inc., et al., Civil Action No. 05-2637; Trezevant v. American International Group, Inc., et al., Civil Action No. 05-2650; Upshaw v. American International Group, Inc., et al., Civil Action No. 05-2653; Marshall v. American International Group, Inc., et al., Civil Action No. 05-2655; Armstrong v. American International Group, Inc., et al., Civil Action No. 05-2700; and Oliver v. American International Group, Inc., et al., Civil Action No. 05-2701, the Honorable Judge Diane K. Vevesco of the United States District Court for the Western District of Tennessee granted Defendants’ motion to compel responses to remand-related discovery. (A

sample copy of the electronic filing notifying the parties of Judge Vevesco's order is attached hereto as Exhibit "B").

Defendants respectfully request that this Court consider the rulings of Judge Pham and Judge Vevesco as persuasive authority and enter a similar order permitting them to conduct the necessary remand-related discovery in the present action.

WHEREFORE, Defendants respectfully request that this Honorable Court grant Defendants' Motion to Conduct Remand-Related Discovery.

Respectfully submitted,

s/ Matthew T. Mitchell

Robert H. Rutherford (RUT002)

David A. Elliott (ELL027)

Matthew T. Mitchell (MIT050)

Attorneys for Defendants

**OF COUNSEL**

**BURR & FORMAN LLP**

3100 SouthTrust Tower

420 North 20th Street

Birmingham, Alabama 35203

Telephone: (205) 251-3000

Facsimile: (205) 458-5100

**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2006, I electronically filed the foregoing Supplement to Defendants' Motion for an Extension of Time to Respond to Plaintiffs' Motion to Remand for the Purpose of Conducting Remand-Related Discovery with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Jere L. Beasley, Thomas J. Methvin, C. Lance Gould, Thomas Julian Butler, David A. Elliott, Robert H. Rutherford, Jeffrey M. Grantham, and John Thomas Aquina Malatesta.

s/ Matthew T. Mitchell  
OF COUNSEL